

## Production and Stipulation of Loan Files and Guidelines in Tranche 3 and 4

September 27, 2013

### **VIA ECF**

The Honorable Denise L. Cote  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1610  
New York, NY 10007-1312

Re: *FHFA v. Deutsche Bank AG, et al.*, 11 Civ. 6192, *FHFA v. Goldman Sachs & Co., et al.*, 11 Civ. 6198, and *FHFA v. Credit Suisse Holdings (USA), Inc., et al.*, 11 Civ. 6200 (collectively, the “Tranche 3 Actions”); *FHFA v. HSBC North America Holdings, Inc., et al.*, 11 Civ. 6189, *FHFA v. Barclays Bank PLC, et al.*, 11 Civ. 6190, *FHFA v. First Horizon National Corp., et al.*, 11 Civ. 6193, *FHFA v. Bank of America Corp., et al.*, 11 Civ. 6195, *FHFA v. Nomura Holding America, Inc., et al.*, 11 Civ. 6201, *FHFA v. SG Americas, Inc., et al.*, 11 Civ. 6203, *FHFA v. Morgan Stanley, et al.*, 11 Civ. 6739, and *FHFA v. Ally Financial, Inc., et al.*, 11 Civ. 7010 (collectively, the “Tranche 4 Actions”)

Dear Judge Cote:

On behalf of Plaintiff Federal Housing Finance Agency (“FHFA”), we write to update the Court on the status of the production, identification, and stipulation of Loan Files and Guidelines in the Tranche 3 and 4 Actions, pursuant to the Supplemental Expert Scheduling Order dated February 27, 2013 (the “Supplemental ESO”).<sup>1</sup>

### **Status of Sample Loan File Production**

The status of Sample Loan File production to date in the Tranche 3 and 4 Actions is as follows:<sup>2</sup>

Action	Tranche	Securitizations	Original Sample Loans	Supp. Sample Loans	Total Sample Loans	Total Loan Files Produced and Identified
Credit Suisse	3	43	4,900	624	5,524	4,979
Deutsche Bank	3	40	4,700	800	5,500	5,030
Goldman Sachs	3	40	4,000	1,012	5,012	4,307
Morgan Stanley	4	33	3,400	704	4,104	3,502
BOA	4	23	3,000	376	3,376	3,324

<sup>1</sup> Capitalized terms used in this status report are intended to have the same meaning as defined in the Supplemental ESO.

<sup>2</sup> These numbers reflect the Sample Loan Files received, processed, and matched by FHFA’s vendor as of September 25, 2013.

Action	Tranche	Securitiz- ations	Original Sample Loans	Supp. Sample Loans	Total Sample Loans	Total Loan Files Produced and Identified
Ally	4	21	2,100	8	2,108	2,108
HSBC	4	17	1,800	0	1,800	1,800
Barclays	4	8	800	108	908	799
Nomura	4	7	700	96	796	789
First Horizon	4	5	500	0	500	494
SG Americas	4	3	400	0	400	400
<b>Totals</b>	<b>N/A</b>	<b>240</b>	<b>26,300</b>	<b>3,728</b>	<b>30,028</b>	<b>27,532</b>

As reflected in the table above, more than 27,500 out of approximately 30,000 Sample Loan Files—roughly 92 percent—have been identified and produced in the Tranche 3 and 4 Actions. With the exception of approximately 400 new supplemental Sample Loans, FHFA believes that it has exhausted its efforts to locate the remaining Sample Loan Files. For the approximately 400 supplemental Sample Loan Files, the parties have coordinated to request expedited productions from third parties, or at least manifests identifying Sample Loan Files in the possession of third parties. Third party servicers and originators have been cooperative and FHFA does not anticipate any unreasonable delay in production.

### **Status of Loan File and Guideline Stipulations**

To date, FHFA believes that it has identified a sufficient number of Sample Loan Files for 225 of the 240 Securitizations at issue in the Tranche 3 and 4 Actions, and does not anticipate needing to supplement its samples for those Securitizations. Furthermore, the parties have completed the stipulation process for 197 out of the 225 Securitizations, which are identified on Exhibit 1.

As to the remaining 28 out of 225 Securitizations, which are listed on Exhibit 2, FHFA requests an extension of the deadline for production, identification and stipulation of Loan Files and Guidelines in the *Morgan Stanley* and *Bank of America* cases until October 15, 2013 for the following reasons:

- Morgan Stanley (27 Securitizations). FHFA continues to provide Loan File and Guideline proposed matches for the 27 deals listed in Exhibit 2. The Morgan Stanley defendants have not responded to FHFA's matching proposals provided on August 12, August 15, August 28, and September 20, but has represented that it will provide FHFA with responses today. The parties, however, have agreed to meet and confer on Wednesday, October 2, 2013 and continue to work together on these issues. As a result, FHFA requires additional time to finalize the identification and stipulation process.
- Bank of America (1 Securitization). FHFA and the Bank of America defendants continue to exchange Loan File and Guideline matches for the NSTR 2007-C

Securitization, for which the Sample Loan Files were not obtained from third parties until late August. While FHFA proposed its initial matches on September 6, 2013, the Bank of America defendants did not respond to FHFA's Loan File and Guideline proposals until this week. As a result, FHFA requires additional time to review the Bank of America defendants' responses to FHFA's proposals prior to stipulating. Bank of America has agreed to this extension.<sup>3</sup>

For the remaining 15 out of 240 Securitizations, which are listed on Exhibit 3, FHFA has not yet identified a sufficient number of Sample Loan Files. On September 6 and September 16, 2013, FHFA disclosed an additional supplementation relating to these Securitizations. As discussed above, the parties are making all efforts to identify the Sample Loan Files through third-party discovery, and intend to exchange proposed stipulations thereafter. Consequently, FHFA requests an extension of the deadline for the production, identification, and stipulation of Loan Files and Guidelines for these 15 Securitizations until October 15, 2013. The Barclays, Credit Suisse, Deutsche Bank, Goldman Sachs and Morgan Stanley Defendants join this request.

Finally, pursuant to paragraph 5 of the Court's June 11, 2013 Order Amending the Supplemental Expert Scheduling Order for Tranches 3 and 4, FHFA identified the Sample Loans and Supplemental Sample Loans that it currently anticipates re-underwriting for the 197 Securitizations for which it has completed the stipulation process. However, in light of FHFA's September 6, 2013 supplementation and the parties' ongoing stipulation process, FHFA requests an extension for the 43 Securitizations listed in Exhibits 2 and 3 to identify the Sample Loans and Supplemental Sample Loans that it intends to re-underwrite. FHFA and the Bank of America, Barclays, Credit Suisse, Deutsche Bank, Goldman Sachs and Morgan Stanley Defendants have agreed to an extension until October 15, 2013.

FHFA is available to discuss the status of loan identification and matching in the Tranche 3 and 4 cases at the Court's request.

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<sup>3</sup> Additionally, FHFA and the Bank of America defendants continue to review and finalize the parties' Loan File and Guideline stipulations for the remaining Securitizations in light of third party productions received subsequent to completing the initial stipulation process for those Securitizations. FHFA anticipates completing this process by October 15, 2013.

Respectfully submitted,

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cc: All Counsel of Record

## **Production and Stipulation of Loan Files and Guidelines in Tranche 3 and 4**

**Exhibit 1:** (Securitizations for which the stipulation process has been completed and supplementation is not necessary).

<b>No.</b>	<b>Defendant</b>	<b>Securitization</b>
1.	Ally	RALI 2005-Q04
2.	Ally	RALI 2006-Q04
3.	Ally	RALI 2006-Q05
4.	Ally	RALI 2006-Q08
5.	Ally	RALI 2006-Q09
6.	Ally	RALI 2007-QH5
7.	Ally	RAMP 2005-EFC6
8.	Ally	RAMP 2005-EFC7
9.	Ally	RAMP 2005-NC1
10.	Ally	RAMP 2005-RS9
11.	Ally	RAMP 2006-RS1
12.	Ally	RASC 2005-EMX3
13.	Ally	RASC 2005-KS10
14.	Ally	RASC 2005-KS11
15.	Ally	RASC 2006-EMX8
16.	Ally	RASC 2006-EMX9
17.	Ally	RASC 2006-KS3
18.	Ally	RASC 2006-KS9
19.	Ally	RASC 2007-EMX1
20.	Ally	RASC 2007-KS2
21.	Ally	RASC 2007-KS3
22.	Barclays	AMSI 2005-R10
23.	Barclays	ARSI 2005-W3
24.	Barclays	ARSI 2005-W5
25.	Barclays	ARSI 2006-W2
26.	Barclays	CBASS 2007-CB2
27.	Barclays	FHLT 2005-D
28.	Barclays	FHLT 2006-C
29.	BoA	ABFC 2005-WMC1
30.	BoA	ABFC 2006-HE1
31.	BoA	ABFC 2006-OPT1
32.	BoA	ABFC 2006-OPT2
33.	BoA	ABFC 2006-OPT3
34.	BoA	ABFC 2007-WMC1
35.	BoA	BAFC 2006-G
36.	BoA	BAFC 2006-H
37.	BoA	BAFC 2007-A
38.	BoA	BAFC 2007-C

No.	Defendant	Securitization
39.	BoA	BOAA 2005-10
40.	BoA	BOAA 2005-11
41.	BoA	BOAA 2005-12
42.	BoA	BOAA 2006-1
43.	BoA	BOAA 2006-2
44.	BoA	BOAA 2006-3
45.	BoA	OOMLT 2005-5
46.	BoA	OOMLT 2007-FXD1
47.	BoA	OOMLT 2007-2
48.	BoA	OOMLT 2007-6
49.	BoA	OOMLT 2007-HL1
50.	BoA	STALT 2005-1F
51.	Credit Suisse	ABSHE 2005-HE8
52.	Credit Suisse	ABSHE 2006-HE1
53.	Credit Suisse	ABSHE 2006-HE2
54.	Credit Suisse	ABSHE 2006-HE3
55.	Credit Suisse	ABSHE 2006-HE4
56.	Credit Suisse	ABSHE 2006-HE5
57.	Credit Suisse	ABSHE 2006-HE6
58.	Credit Suisse	ABSHE 2006-HE7
59.	Credit Suisse	ABSHE 2007-HE1
60.	Credit Suisse	ABSHE 2007-HE2
61.	Credit Suisse	AMSI 2005-R8
62.	Credit Suisse	AMSI 2005-R11
63.	Credit Suisse	AMSI 2006-R2
64.	Credit Suisse	ARMT 2005-10
65.	Credit Suisse	ARMT 2005-11
66.	Credit Suisse	ARMT 2005-12
67.	Credit Suisse	ARMT 2006-1
68.	Credit Suisse	CSFB 2005-11
69.	Credit Suisse	CSFB 2005-12
70.	Credit Suisse	CSMC 2006-1
71.	Credit Suisse	CSMC 2007-NC1
72.	Credit Suisse	FHLT 2005-E
73.	Credit Suisse	FMIC 2007-1
74.	Credit Suisse	HEAT 2005-7
75.	Credit Suisse	HEAT 2005-8
76.	Credit Suisse	HEAT 2005-9
77.	Credit Suisse	HEAT 2006-1
78.	Credit Suisse	HEAT 2006-3

No.	Defendant	Securitization
79.	Credit Suisse	HEAT 2006-4
80.	Credit Suisse	HEAT 2006-5
81.	Credit Suisse	HEAT 2006-6
82.	Credit Suisse	HEAT 2006-7
83.	Credit Suisse	HEAT 2006-8
84.	Credit Suisse	HEAT 2007-1
85.	Credit Suisse	HEAT 2007-2
86.	Credit Suisse	HEAT 2007-3
87.	Credit Suisse	HEMT 2006-6
88.	Credit Suisse	INABS 2006-B
89.	Credit Suisse	INABS 2006-C
90.	Credit Suisse	INABS 2006-E
91.	Credit Suisse	NCNET 2006-1
92.	Deutsche Bank	ACE 2005-AG1
93.	Deutsche Bank	ACE 2005-HE6
94.	Deutsche Bank	ACE 2005-HE7
95.	Deutsche Bank	ACE 2005-ASAP1
96.	Deutsche Bank	ACE 2006-ASAP1
97.	Deutsche Bank	ACE 2006-ASAP2
98.	Deutsche Bank	ACE 2006-ASAP3
99.	Deutsche Bank	ACE 2006-ASAP4
100.	Deutsche Bank	ACE 2006-ASAP5
101.	Deutsche Bank	ACE 2006-ASAP6
102.	Deutsche Bank	ACE 2006-CW1
103.	Deutsche Bank	ACE 2006-FM1
104.	Deutsche Bank	ACE 2006-FM2
105.	Deutsche Bank	ACE 2006-HE1
106.	Deutsche Bank	ACE 2006-HE2
107.	Deutsche Bank	ACE 2006-HE3
108.	Deutsche Bank	ACE 2006-HE4
109.	Deutsche Bank	ACE 2006-NC1
110.	Deutsche Bank	ACE 2006-NC2
111.	Deutsche Bank	ACE 2006-NC3
112.	Deutsche Bank	ACE 2006-OP1
113.	Deutsche Bank	ACE 2006-OP2
114.	Deutsche Bank	ACE 2007-ASAP1
115.	Deutsche Bank	ACE 2007-ASAP2
116.	Deutsche Bank	ACE 2007-ASL1
117.	Deutsche Bank	ACE 2007-HE1
118.	Deutsche Bank	ACE 2007-HE2

No.	Defendant	Securitization
119.	Deutsche Bank	ACE 2007-HE3
120.	Deutsche Bank	ACE 2007-HE4
121.	Deutsche Bank	ACE 2007-HE5
122.	Deutsche Bank	ACE 2007-WM1
123.	Deutsche Bank	ACE 2007-WM2
124.	Deutsche Bank	DBALT 2007-OA4
125.	Deutsche Bank	INDX 2005-AR31
126.	Deutsche Bank	INDX 2006-AR9
127.	Deutsche Bank	MHL 2007-1
128.	Deutsche Bank	NCNET 2006-2
129.	Deutsche Bank	NHEL 2007-1
130.	Deutsche Bank	RAST 2005-A15
131.	First Horizon	FHAMS 2005-AA10
132.	First Horizon	FHAMS 2005-AA11
133.	First Horizon	FHAMS 2005-AA12
134.	First Horizon	FHAMS 2005-AA9
135.	First Horizon	FHAMS 2006-AA1
136.	Goldman Sachs	AHMA 2006-1
137.	Goldman Sachs	ACCR 2005-4
138.	Goldman Sachs	FFML 2005-FF11
139.	Goldman Sachs	FFML 2005-FF8
140.	Goldman Sachs	FFML 2006-FF13
141.	Goldman Sachs	FHLT 2006-E
142.	Goldman Sachs	GSAA 2005-11
143.	Goldman Sachs	GSAA 1005-14
144.	Goldman Sachs	GSAA 2005-15
145.	Goldman Sachs	GSAA 2006-11
146.	Goldman Sachs	GSAA 2006-2
147.	Goldman Sachs	GSAA 2006-4
148.	Goldman Sachs	GSAA 2006-5
149.	Goldman Sachs	GSAA 2006-8
150.	Goldman Sachs	GSAA 2007-6
151.	Goldman Sachs	GSAMP 2005-AHL2
152.	Goldman Sachs	GSAMP 2005-HE5
153.	Goldman Sachs	GSAMP 2005-WMC2
154.	Goldman Sachs	GSAMP 2005-WMC3
155.	Goldman Sachs	GSAMP 2006-FM1
156.	Goldman Sachs	GSAMP 2006-FM2
157.	Goldman Sachs	GSAMP 2006-FM3
158.	Goldman Sachs	GSAMP 2006-HE8

No.	Defendant	Securitization
159.	Goldman Sachs	GSAMP 2006-NC2
160.	Goldman Sachs	GSAMP 2007-HE1
161.	Goldman Sachs	GSAMP 2007-HE2
162.	Goldman Sachs	GSAMP 2007-FM1
163.	Goldman Sachs	GSAMP 2007-FM2
164.	Goldman Sachs	GSAMP 2007-NC1
165.	Goldman Sachs	GSR 2006-OA1
166.	Goldman Sachs	GSR 2007-AR2
167.	Goldman Sachs	GSR 2007-OA1
168.	Goldman Sachs	GSR 2007-OA2
169.	Goldman Sachs	INDX 2005-AR18
170.	Goldman Sachs	INDX 2005-AR27
171.	HSBC	FFML 2006-FF1
172.	HSBC	FFML 2006-FF11
173.	HSBC	FFML 2006-FF5
174.	HSBC	FFML 2006-FF7
175.	HSBC	FFML 2006-FF9
176.	HSBC	HASC 2005-I1
177.	HSBC	HASC 2006-HE1
178.	HSBC	HASC 2006-HE2
179.	HSBC	HASC 2006-NC1
180.	HSBC	HASC 2006-OPT1
181.	HSBC	HASC 2006-OPT2
182.	HSBC	HASC 2006-OPT3
183.	HSBC	HASC 2006-OPT4
184.	HSBC	HASC 2007-HE1
185.	HSBC	HASC 2007-HE2
186.	HSBC	HASC 2007-OPT1
187.	HSBC	HASC 2007-WF1
188.	Nomura	NAA 2005-AR6
189.	Nomura	NHELI 2006-FM1
190.	Nomura	NHELI 2006-FM2
191.	Nomura	NHELI 2006-HE3
192.	Nomura	NHELI 2007-1
193.	Nomura	NHELI 2007-2
194.	Nomura	NHELI 2007-3
195.	SocGen	SGMS 2006-FRE1
196.	SocGen	SGMS 2006-FRE2
197.	SocGen	SGMS 2006-OPT2

## **Production and Stipulation of Loan Files and Guidelines in Tranche 3 and 4**

**Exhibit 2:** (Securitizations for which an extension of the stipulation process until October 15, 2013 is requested and for which supplementation is likely not necessary).

<b>No.</b>	<b>Defendant</b>	<b>Securitization</b>
1.	BoA	NSTR 2007-C
2.	Morgan Stanley	MSAC 2006-HE3
3.	Morgan Stanley	MSAC 2006-HE5
4.	Morgan Stanley	MSAC 2006-HE6
5.	Morgan Stanley	MSAC 2006-HE8
6.	Morgan Stanley	MSAC 2006-NC3
7.	Morgan Stanley	MSAC 2006-NC4
8.	Morgan Stanley	MSAC 2007-HE1
9.	Morgan Stanley	MSAC 2007-HE5
10.	Morgan Stanley	MSAC 2007-HE7
11.	Morgan Stanley	MSAC 2007-NC1
12.	Morgan Stanley	MSAC 2006-WMC2
13.	Morgan Stanley	MSC 2006-HE2
14.	Morgan Stanley	MSC 2006-NC2
15.	Morgan Stanley	MSHEL 2005-4
16.	Morgan Stanley	MSM 2005-10
17.	Morgan Stanley	MSM 2005-7
18.	Morgan Stanley	MSM 2006-2
19.	Morgan Stanley	MSM 2007-7AX
20.	Morgan Stanley	NCHET 2005-B
21.	Morgan Stanley	NCHET 2005-C
22.	Morgan Stanley	NCHET 2005-D
23.	Morgan Stanley	SAST 2005-3
24.	Morgan Stanley	SAST 2006-1
25.	Morgan Stanley	SAST 2006-2
26.	Morgan Stanley	SAST 2007-1
27.	Morgan Stanley	SAST 2007-2
28.	Morgan Stanley	SAST 2007-3

**Exhibit 3:** (Securitizations for which FHFA anticipates that additional supplementation may be necessary).

No.	Defendant	Securitization
1.	Barclays	CBASS 2006-CB1
2.	Credit Suisse	AHMA 2005-1
3.	Credit Suisse	FMIC 2005-3
4.	Deutsche Bank	ACE 2007-SL1
5.	Goldman Sachs	GSAMP 2005-HE6
6.	Goldman Sachs	GSAMP 2006-HE3
7.	Goldman Sachs	GSAMP 2006-HE4
8.	Goldman Sachs	GSAMP 2006-HE5
9.	Goldman Sachs	GSAMP 2006-HE7
10.	Morgan Stanley	AMIT 2005-4
11.	Morgan Stanley	MSAC 2005-HE5
12.	Morgan Stanley	MSAC 2005-HE6
13.	Morgan Stanley	MSM 2006-16AX
14.	Morgan Stanley	MSM 2007-2AX
15.	Morgan Stanley	MSM 2007-5AX